

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GARY WILLIAMS and NINA WILLIAMS,

Plaintiffs,

v.

U-HAUL INTERNATIONAL, INC., U-HAUL
CO. OF CALIFORNIA, COLUSA QUICK
SERVICE MARKET, K&B TRANS., INC.
and GENERAL MOTORS, LLC,

Defendants.

CIVIL ACTION

2:14-cv-06727 (PBT)

MEMORANDUM IN SUPPORT OF MOTION TO DISMISS

Defendants, U-Haul International, Inc., U-Haul Co. of California, and Colusa Quick Service Market (“U-Haul Defendants”) by and through their counsel, Post & Schell, P.C., hereby support Plaintiffs’ Motion to Dismiss [ECF 155] as follows:

Point I- K&B Already Agreed To Dismissed Participation of U-Haul Defendants

The U-Haul Defendants first note that all parties, including co-defendant, K&B Transportation, Inc. (“K&B”), literally a year ago agreed to the extrication of the U-Haul Defendants (as settled parties) from trial in this civil action. See K&B Response/Proposed Order [ECF 63] and [Plaintiffs’] Mann Correspondence (5/2/16)/[GM’s] Maley Correspondence (5/2/16) [ECF 64]. As a result, this Court approved by Order of May 17, 2016 that the U-Haul Defendants were “hereby excused from attendance at any further proceedings in this civil action.” [ECF 67] Plaintiffs Motion to Dismiss merely seeks to procedurally supplement that ruling.

Point II – Plaintiffs Are Allowed To Voluntarily Dismiss Their Claims

Plaintiffs properly seek to voluntarily dismiss their claims against the U-Haul Defendants pursuant to Federal Rule of Civil Procedure 41(a)(2) and herein seek the approval of this Court. Protocomm Corp. v. Novell, Inc., 171 F.Supp. 2d 459, 470-471 (E.D.Pa. 2001). There is no prejudice to K&B. It is thus time, and appropriate, to dismiss any claims against the U-Haul Defendants with prejudice. Fed.R.Civ.P. 1, 41(a)(2).

Respectfully submitted,

Dated: May 18, 2017

POST & SCHELL, P.C.

By: 

RICHARD B. WICKERSHAM, JR. (RW-9884)
ATTY ID No.: 49466
Four Penn Center, 13th Floor
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103-2808
(215) 587-6612
rwickersham@postschell.com

Carlyle (Cary) W. Hall III, Esquire
{*Admitted Pro Hac Vice*}
POLSINELLI PC
One East Washington St.
Suite 1200
Phoenix, AZ 85004-2568
(602) 650-2095
chall@polsinelli.com

Attorneys for Defendants
U-Haul International, Inc.,
U-Haul Co. of California,
and Colusa Quick Service Market

CERTIFICATE OF SERVICE

I do hereby certify that service of a true and correct copy of the foregoing document was electronically filed via the ECF System (which is available for public viewing and printing) and has been served this day upon the following by e-mail:

Daniel J. Mann, Esquire
Edward S. Goldis, Esquire
FELDMAN SHEPHERD
1845 Walnut Street, 21st Floor
Philadelphia, PA 19103
(215) 567-8300
(215) 567-8333 – Fax
dmann@feldmanshepherd.com
egoldis@feldmanshepherd.com
Counsel for Plaintiffs

Francis J. Grey, Esquire
Mary Grace Maley, Esquire
RICCI TYRRELL JOHNSON & GREY
1515 Market Street, Suite 700
Philadelphia, PA 19102
(215) 320-2079
(215) 320-3261 – Fax
fgrey@rtjglaw.com
mgmaley@rtjglaw.com
Counsel for General Motors

Thomas J. Wagner, Esquire
Amy L. Wynkoop, Esquire
LAW OFFICES OF THOMAS J. WAGNER, LLC
8 Penn Center, 6th Floor
1628 John F. Kennedy Boulevard
Philadelphia, PA 19103
(215) 790-0767
(215) 790-0762 - Fax
tjwagner@wagnerlaw.net
alwynkoop@wagnerlaw.net
Counsel for K&B

Dated: May 18, 2017

POST & SCHELL, P.C.

By:



RICHARD B. WICKERSHAM, JR.